

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JAMES GRUBBS,)
Plaintiff,)
vs.)
ANDREWS & COX, P.C. et al.,)
Defendants.)
Cause No. 1:13-cv-1936-WTL-MJD

ENTRY ON PENDING MOTIONS

The parties in this case agree that this is an appropriate case in which to invoke the provision of Federal Rule of Civil Procedure 58(e), which provides that

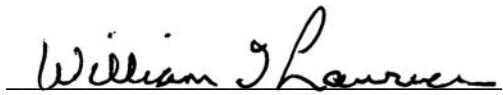
[i]f a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

The Court also agrees. The Plaintiff filed a timely Motion for Award of Attorney's Fees and Costs [Dkt. No. 77] and that motion remains under advisement; no notice of appeal has been filed. The Plaintiff's Motion for Order Treating Motion for Attorney's Fees as a Timely Rule 59 Motion [Dkt. No. 78] is **GRANTED**, and, pursuant to Federal Rule of Civil Procedure 58(e), the Court orders that the Plaintiff's pending motion for attorney's fees shall have the same effect under Federal Rule of Appellate Procedure (4)(a)(4) as a timely motion under Rule 59.

The Defendant's Motion for an Extension of Time to File a Notice of Appeal [Dkt. No. 80] accordingly is **DENIED** as moot, as the relief it seeks already has been provided by the granting of the Plaintiff's motion.

Finally, the Plaintiff seeks an extension of time to October 20, 2015, to file his supplement to his motion for attorney's fees. The Defendant does not object to the motion, and the Court finds good cause exists for the requested extension. Accordingly, the Plaintiff's motion for time [Dkt. No. 81] is **GRANTED** and the Plaintiff shall file his supplemental brief in support of his motion for attorney's fees by **October 20, 2015**.

SO ORDERED: 10/7/15

A handwritten signature in black ink, appearing to read "William T. Lawrence".

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Copies to all counsel of record via electronic communication.